



APPLICATION ACCEPTED: November 10, 2011
BOARD OF ZONING APPEALS: January 25, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 18, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-HM-099

HUNTER MILL DISTRICT

APPLICANT: Steven A. Kostakis

OWNERS: Steven A. Kostakis
Rachel D. Kostakis

SUBDIVISION: Tamarack

STREET ADDRESS: 10403 Silk Oak Drive

TAX MAP REFERENCE: Tax Map 27-2 ((04)) 47

LOT SIZE: 20,000 square feet

ZONING DISTRICT: R-1 Cluster

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 10.8 feet from side lot line such that side yards total 30.4 feet.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-HM-099 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\rhorner\Special Permits\Kostakis\Staff Report Kistakis.doc

Rebecca Horner

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

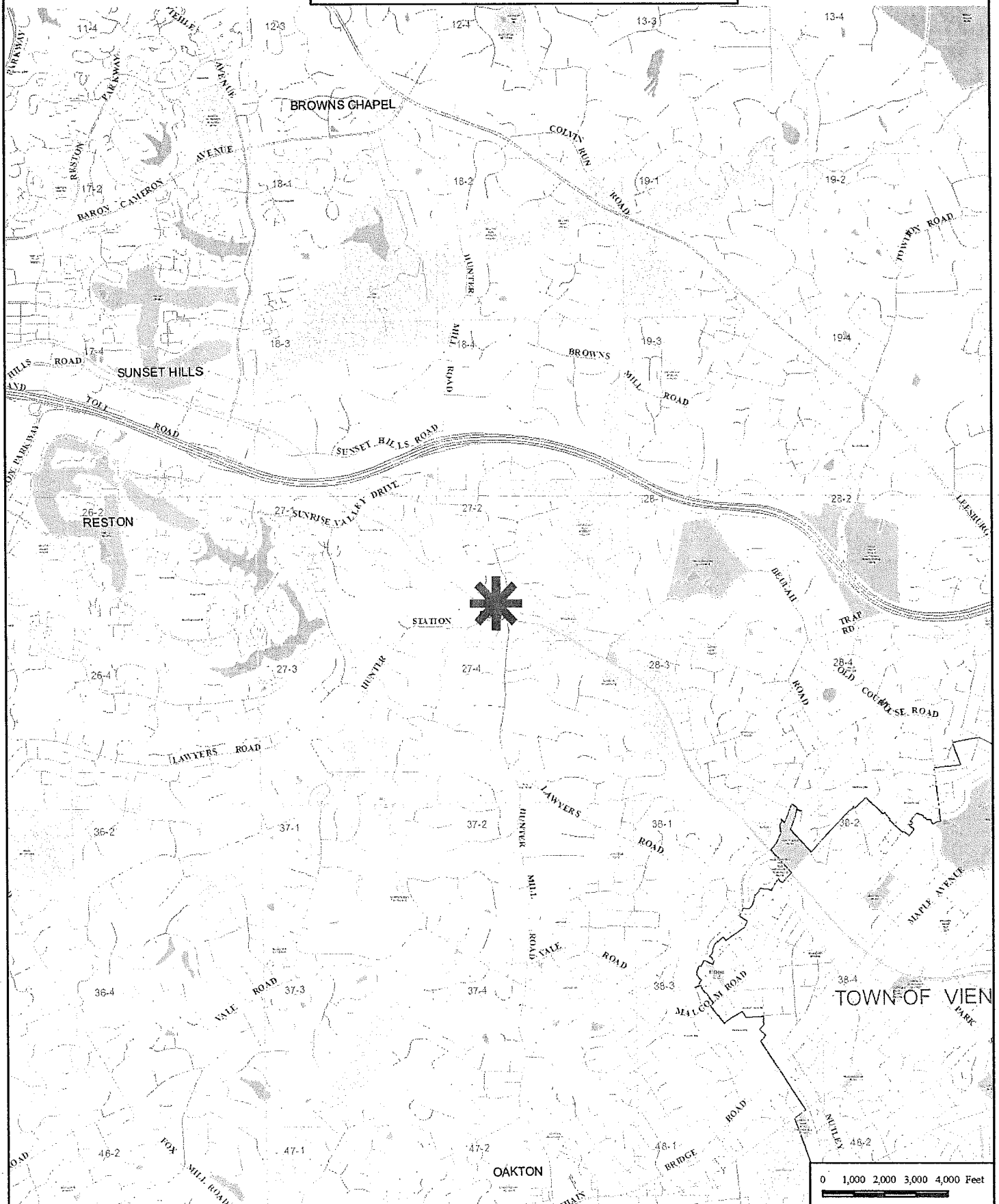


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-HM-099

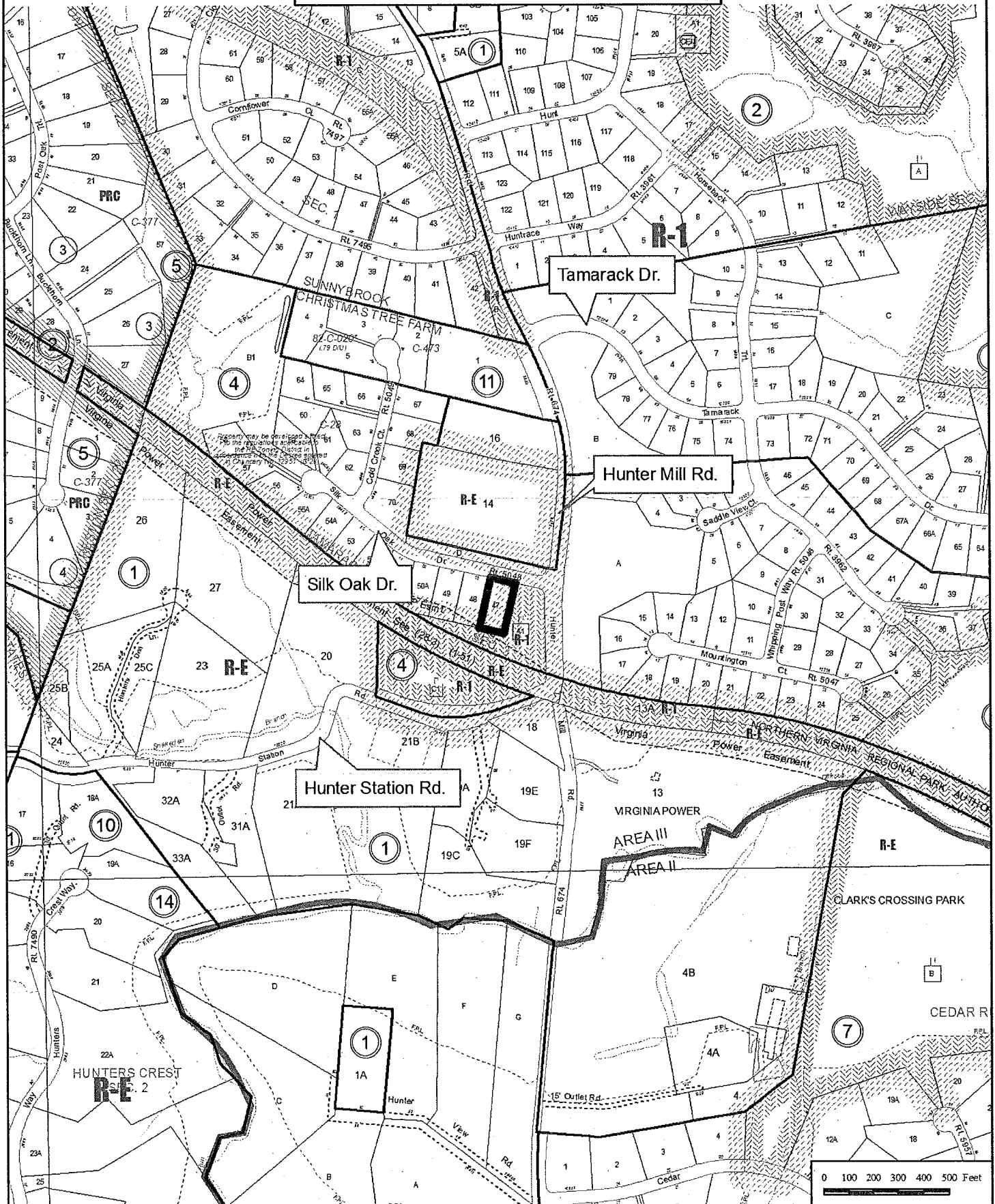
STEVEN KOSTAKIS



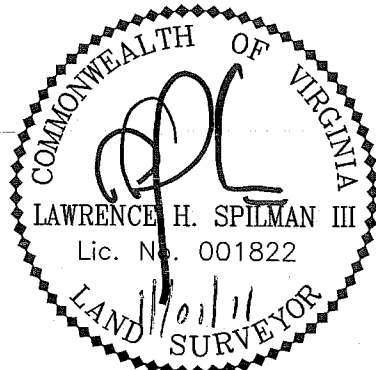
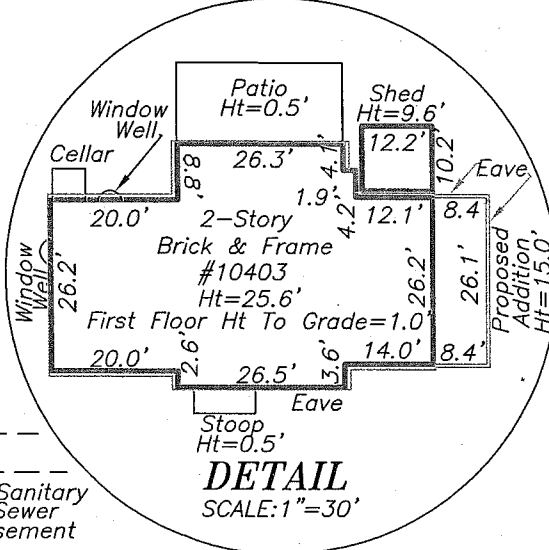
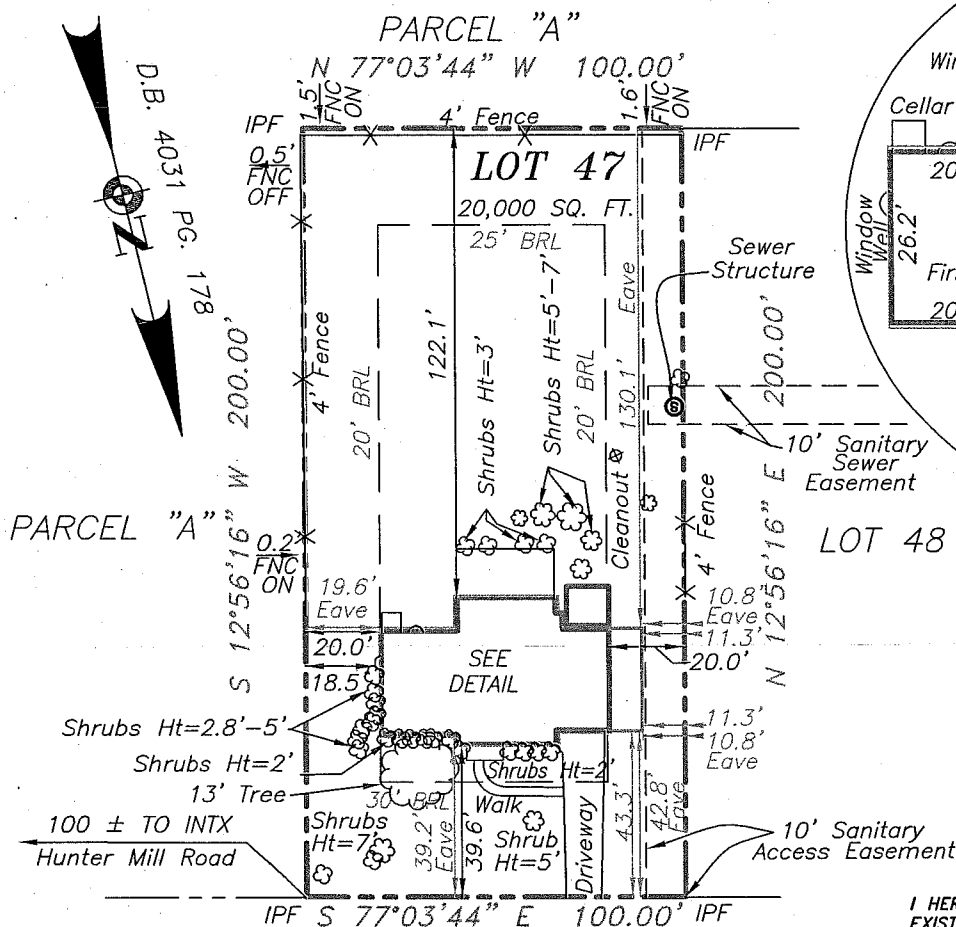
Special Permit

SP 2011-HM-099

STEVEN KOSTAKIS



THIS SPECIAL PERMIT PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. FENCES SHOWN HEREON ARE APPROXIMATE AND ARE NOT TO BE USED FOR DETERMINATION OF PROPERTY LINES.



I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY ELECTRONIC EQUIPMENT AND/OR TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

NOTES: SILK OAK DRIVE

1. CURRENT OWNER: STEVEN A. KOSTAKIS, D.B. 20525 PG. 233.
2. THIS PROPERTY IS CLASSIFIED AS ZONE X, AN AREA OF MINIMAL FLOOD HAZARD IN ACCORDANCE WITH FLOOD HAZARD BOUNDARY MAP NO. 515525 0025D.
3. BEARINGS BASED ON THE RECORD PLAT OF SECTION THREE, TAMARACK D.B. 4031 PG. 178.
4. IPF: DENOTES IRON PIPE FOUND.
5. THIS SURVEY IS A GRAPHIC DEPICTION OF THE LOCATION OF IMPROVEMENTS ONLY. NO CORNER MARKERS SET.
6. BRL PER R-1C ZONE, FAIRFAX COUNTY, VIRGINIA.
7. RESIDENTIAL USE - NO PARKING SPACES
8. NO WELL OR SEPTIC FIELD ON SITE.
9. RESIDENTIAL USE - NO FAR
10. THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE, AND NO MAJOR UNDERGROUND UTILITY EASEMENTS REGARDLESS OF WIDTH ON SITE.
11. PROPERTY NOT IN ANY OVERLAY DISTRICT.
12. FENCES 6' HIGH UNLESS OTHERWISE SHOWN. CONSTRUCTION DATES UNKNOWN FOR EXISTING STRUCTURES SHOWN.

GROSS FLOOR AREA
EXISTING TOTAL=2,873 SQ. FT.
PROPOSED TOTAL=3,093 SQ. FT.
3,093/2,873= 1.08%

EXISTING MAIN BUILDING

HOUSE= 2,444 SQ. FT.
GARAGE= 364 SQ. FT.
STOOP= 65 SQ. FT.

TOTAL= 2,873 SQ. FT.
2,873/20,000= 14.37%

PROPOSED MAIN BUILDING

HOUSE= 2,444 SQ. FT.
GARAGE= 364 SQ. FT.
GARAGE ADDITION= 247 SQ. FT.
STOOP= 65 SQ. FT.

TOTAL= 3,220 SQ. FT.
3,220/20,000= 16.10%

SPECIAL PERMIT PLAT LOT 47 SECTION THREE TAMARACK

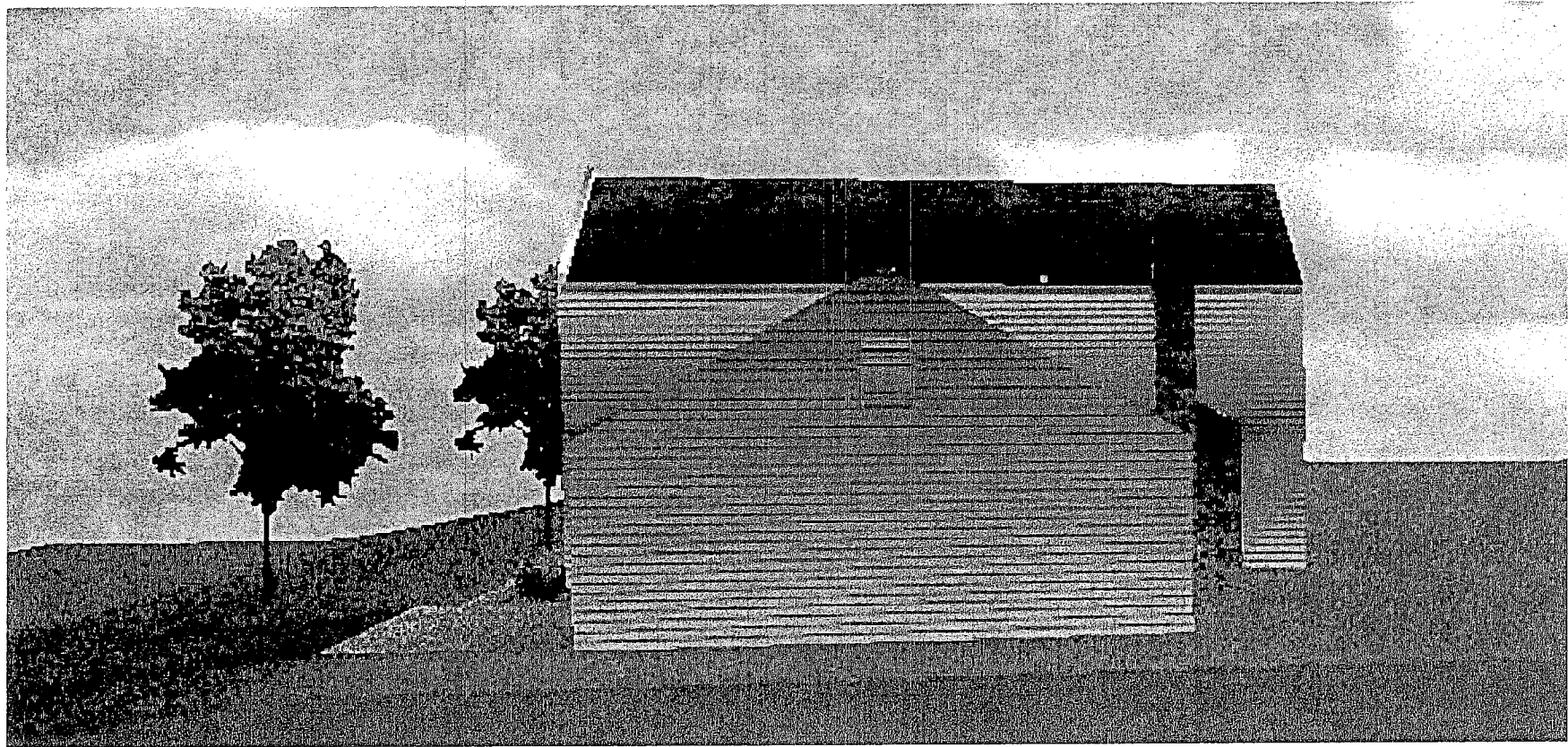
DEED BOOK 4031 PAGE 178
HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'
DATE: 3/12/08
REV: 11/01/11

DRAWN:
JRM
CHECKED:
RMA

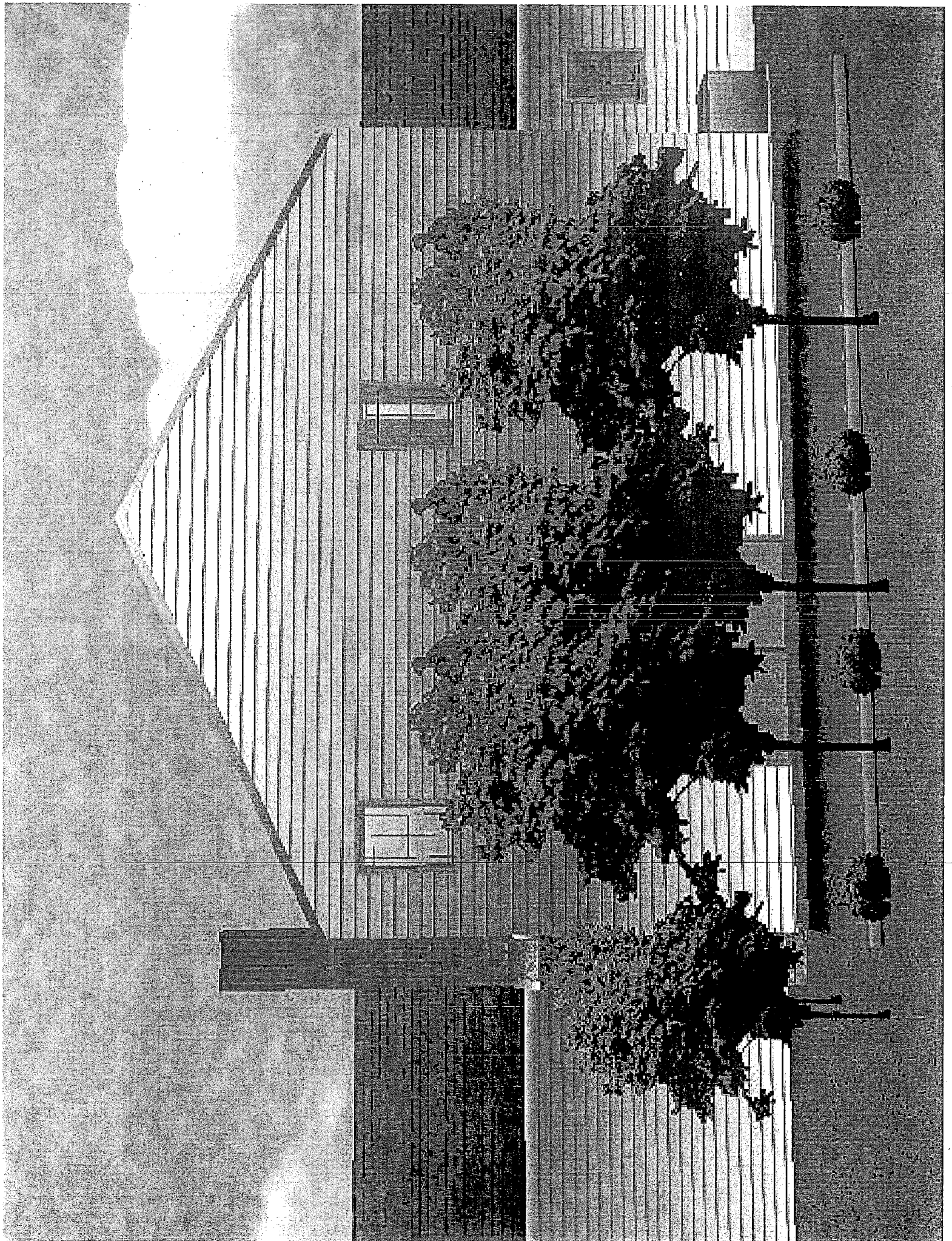
LS-PC
LAND SURVEYING SERVICES
2890 EMMA LEE STREET SUITE 200
FALLS CHURCH, VIRGINIA 22042
703 • 241 • 5515 • FAX • 703 • 241 • 5516

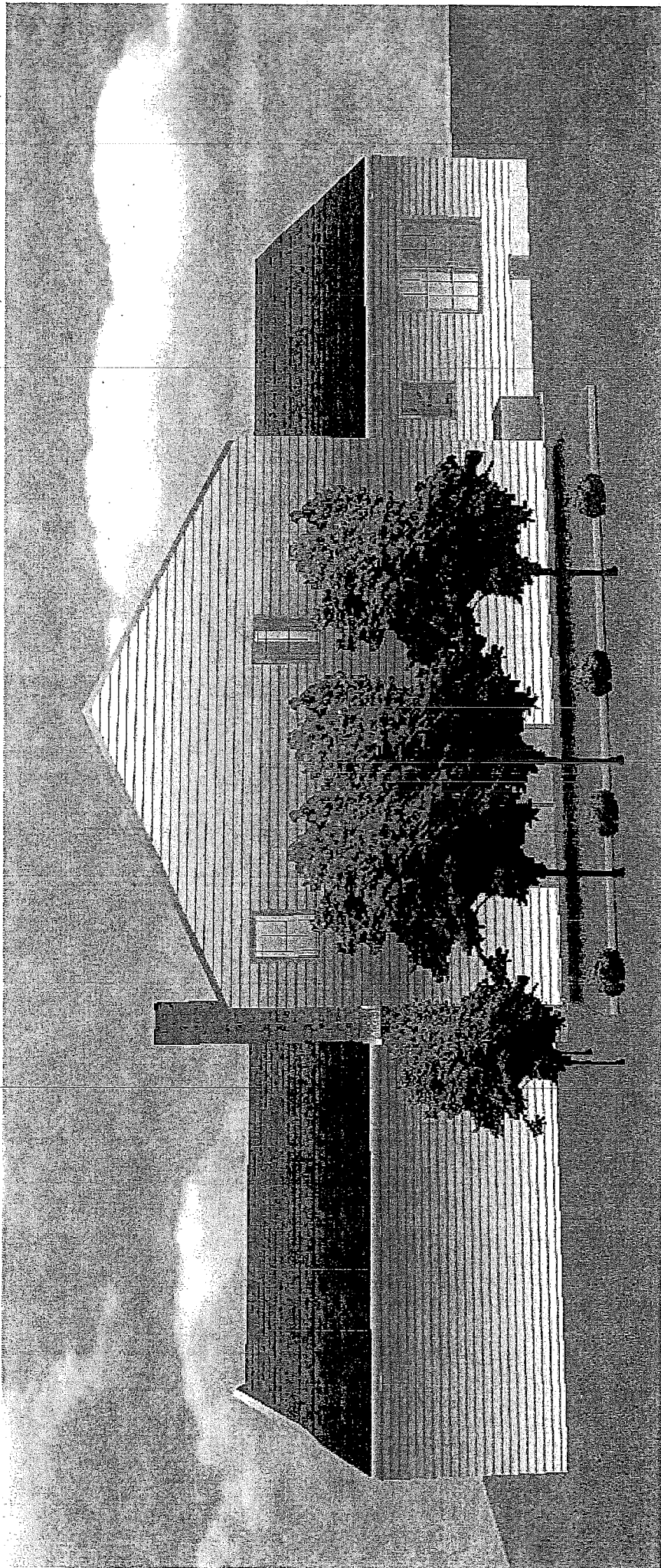
Rendered Image - Side View of Garage
10403 Silk Oak Dr



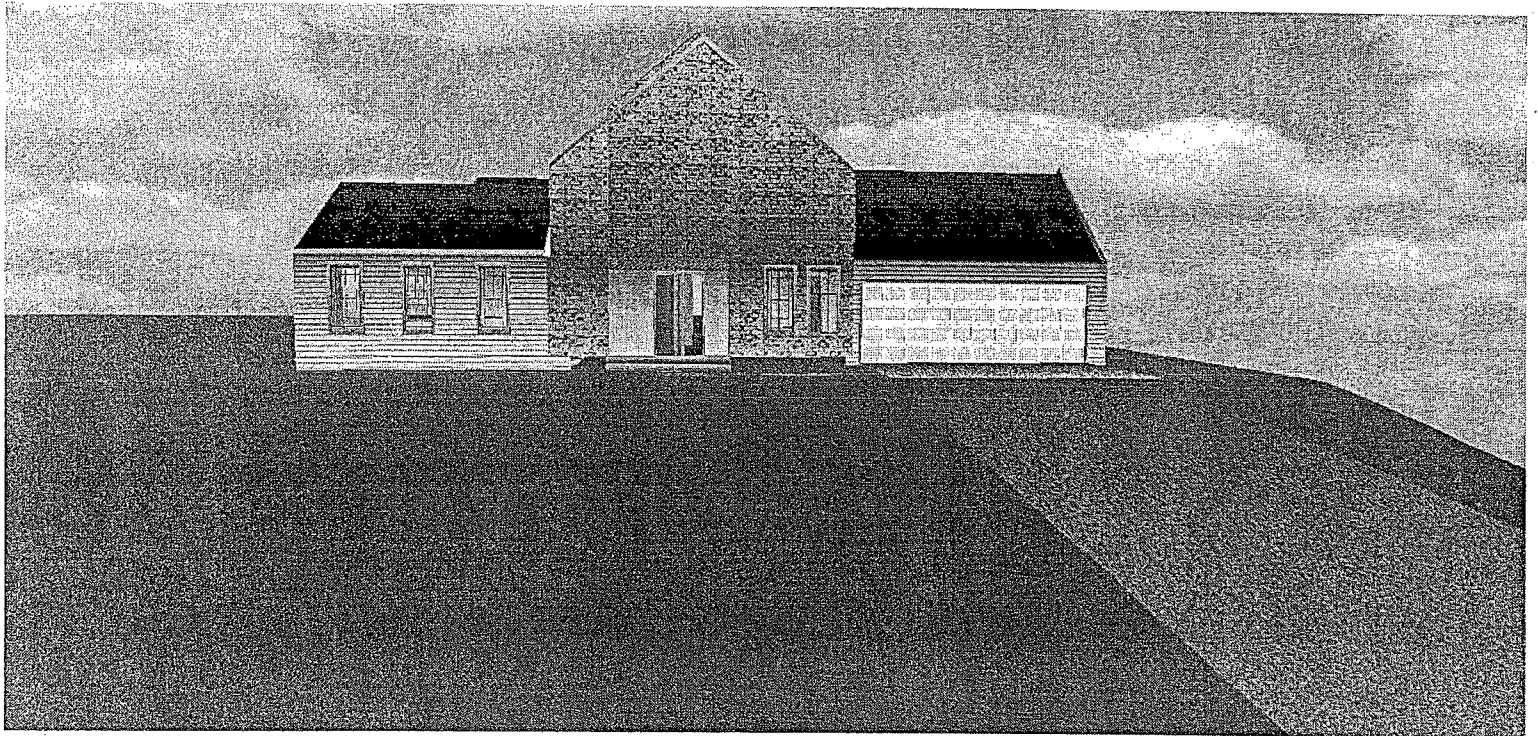
Rendered Image - Front View of House
10403 Silk Oak Dr







10403 Silk Oak Dr.
Proposed Garage Addition



RECEIVED
Department of Planning & Zoning
JUL 07 2011
Zoning Evaluation Division

Photographs of 10403 Silk Oak Dr.

NOTE : Yellow highlighted area shows position (indicated by X), direction and angle (arrow lines) photograph was taken

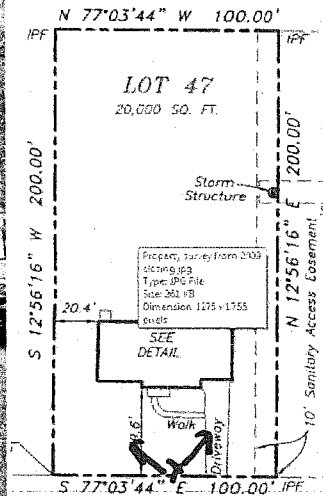


Fig. 1 Front of House
Date: July 2011

Fig. 2 Angle / Dir - Front of House

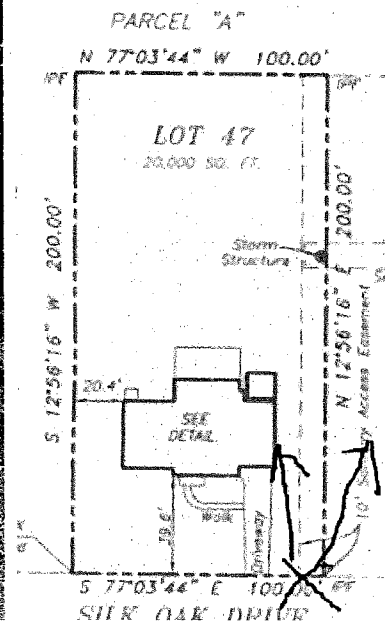
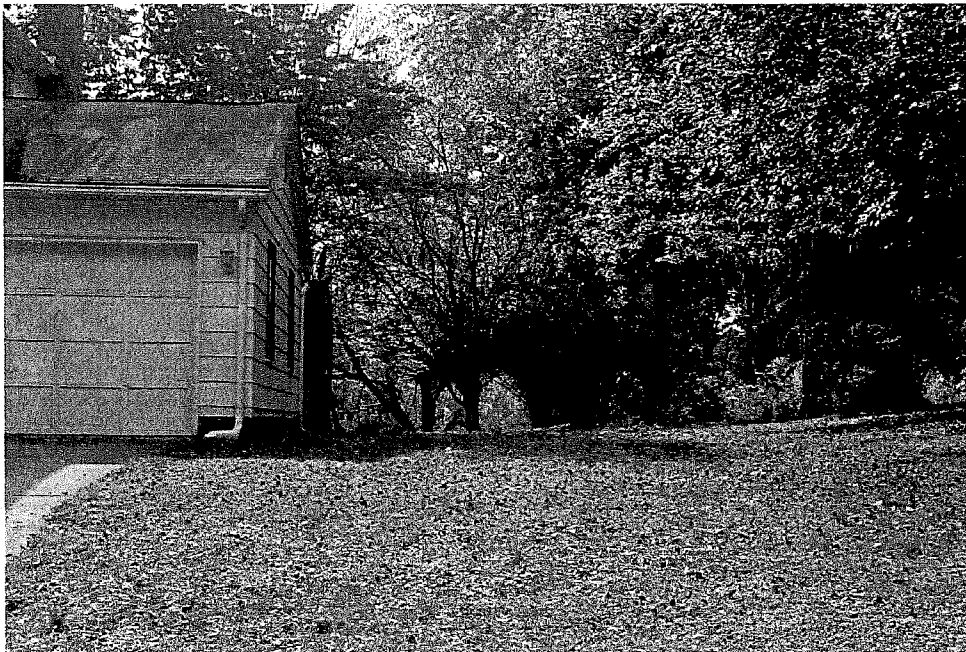


Fig. 3 Right Side View
Date: October 2011

Fig. 4 Angle/ Dir - Right Side view



Fig. 5 Rear view of House
Date: July 2011

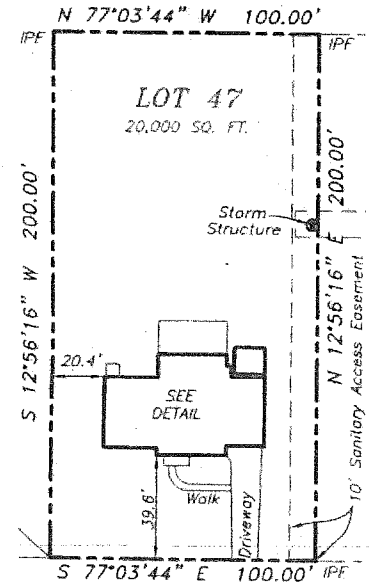


Fig. 6 Angle/Dir - Rear View of House



Fig. 7 Left Side of House
Date: July 2011

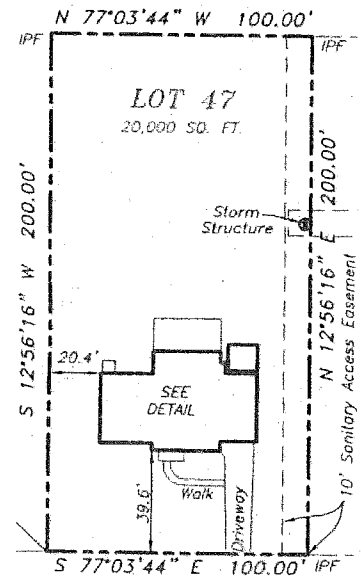


Fig. 8 Angle/ Dir - Left Side of House



Fig. 9 : Right Side view of Street (Silk Oak Dr.)
Date: October 2011

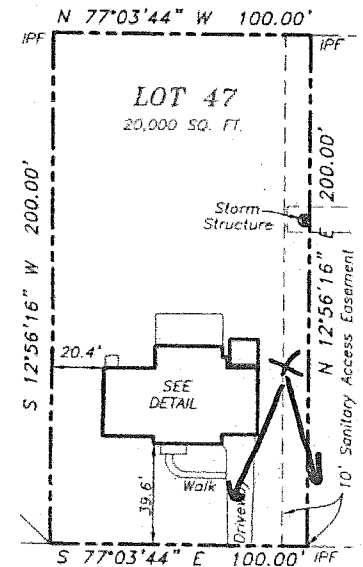


Fig. 10: Angle / Dir Right Side View
of Street (Silk Oak Dr



Fig. 11 Left Side view of Street (Silk Oak Dr.)
Date: July 2011

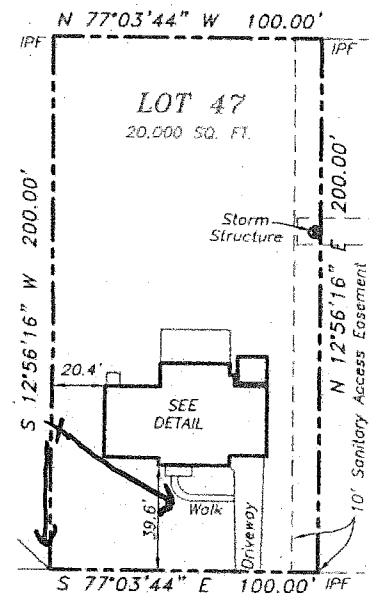
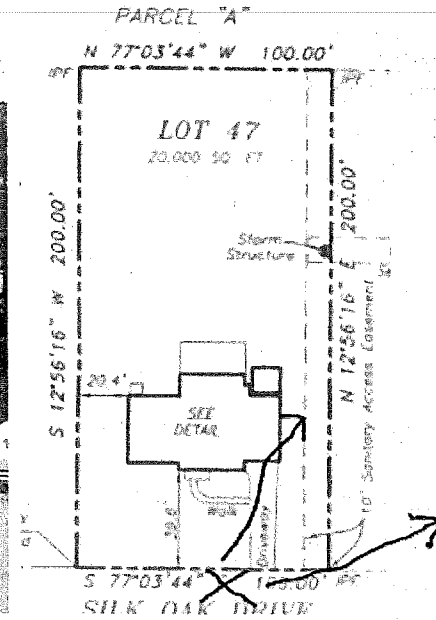


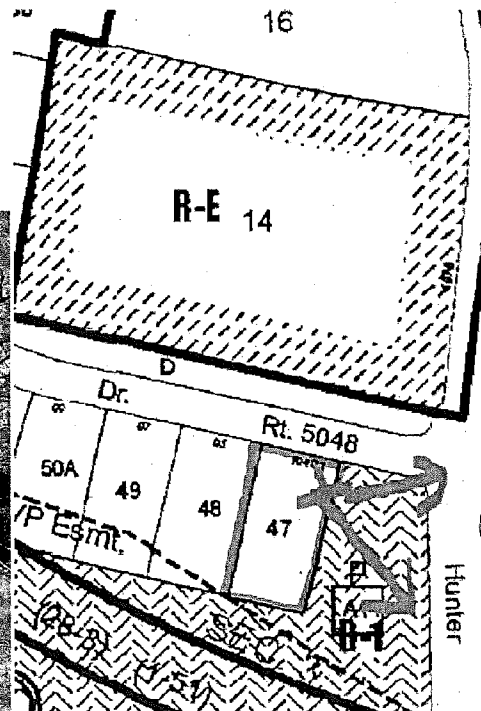
Fig. 12 Angle/ Dir. Left Side view of
Street (Silk Oak Dr.)



View of Adjacent Property taken from Silk Oak Dr.
Date taken 10/18/2011

Note: all other adjacent property views are tree lined

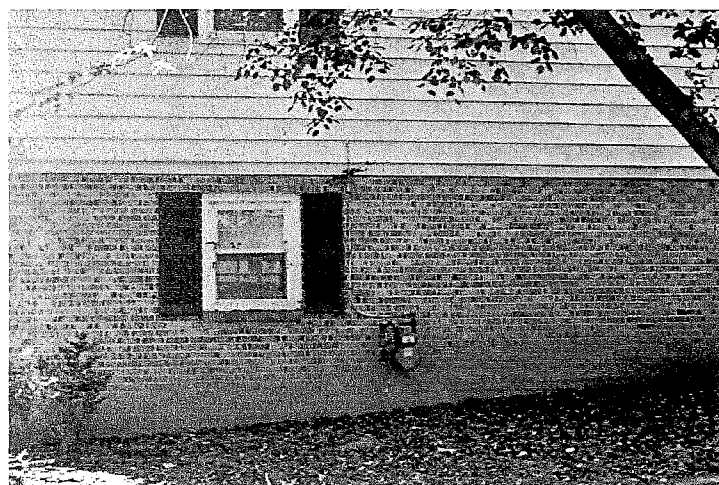
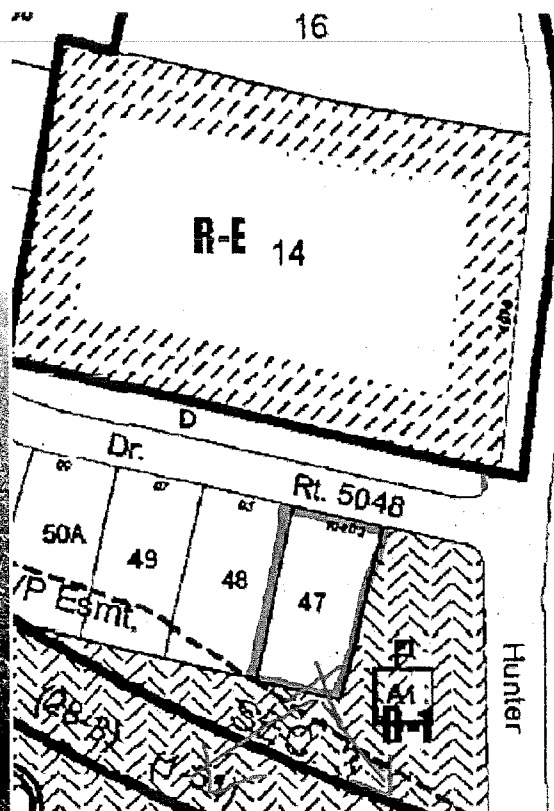
Pictures of Adjacent Properties



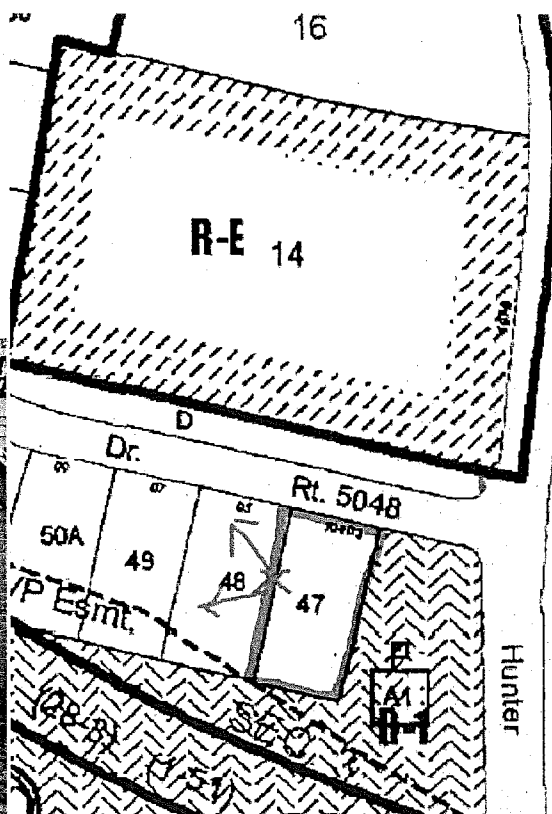
view of side lot - parkside

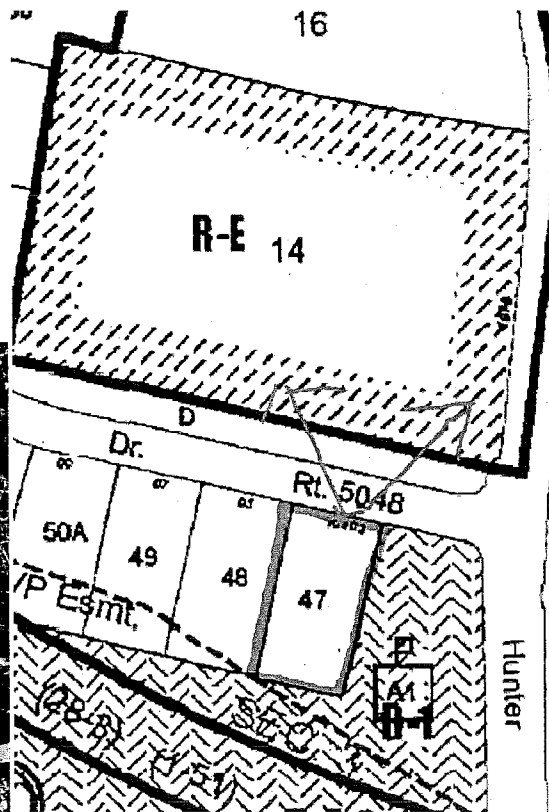


view of backyard (W&OD trail)



view of VIGAZZI residence





view of across the street / front of house facing Silk Oak Dr) @ taken at Street

Photographs of 10403 Silk Oak Dr.

NOTE : Yellow highlighted area shows position (indicated by X), direction and angle (arrow lines) photograph was taken

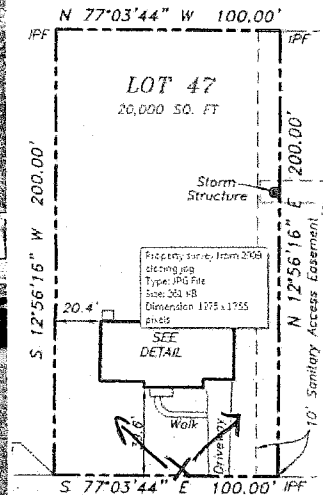


Fig. 1 Front of House

Date: July 2011

Fig. 2 Angle / Dir - Front of House

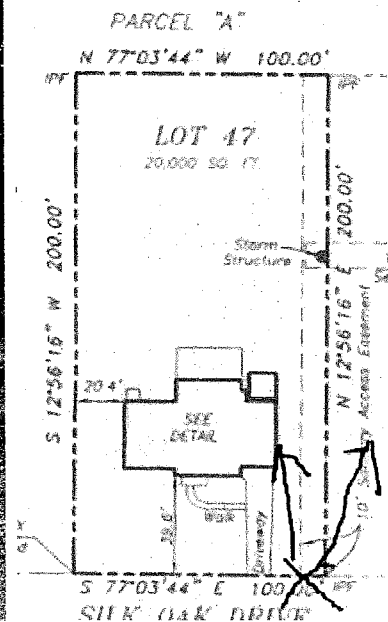
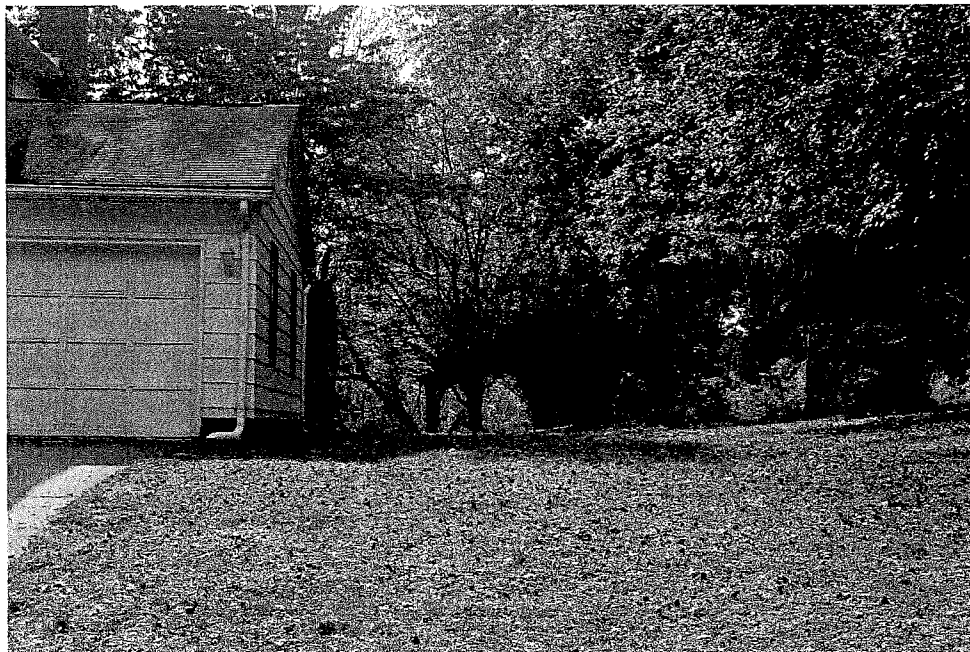


Fig. 3 Right Side View

Date: October 2011

Fig. 4 Angle/ Dir - Right Side view

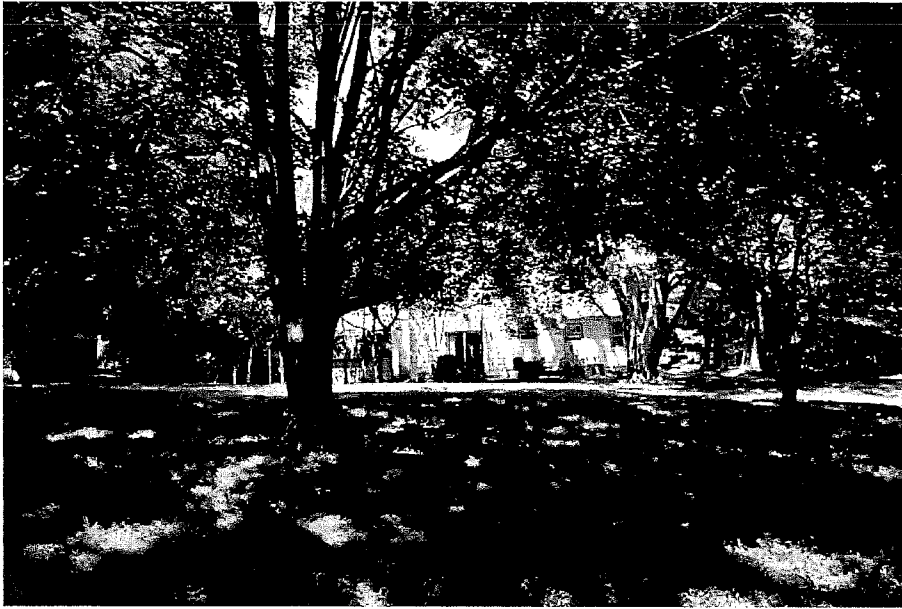


Fig. 5 Rear view of House
Date: July 2011

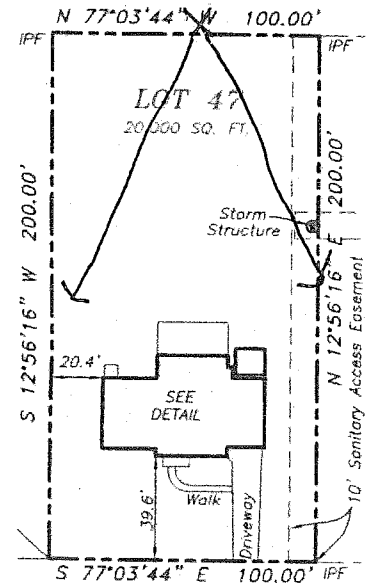


Fig. 6 Angle/Dir - Rear View of House



Fig. 7 Left Side of House
Date: July 2011

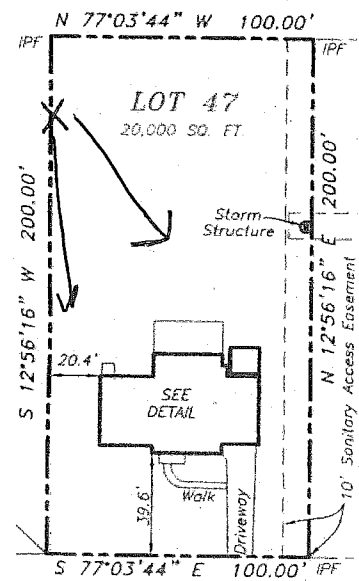


Fig. 8 Angle/ Dir - Left Side of House



Fig. 9 : Right Side view of Street (Silk Oak Dr.)
Date: October 2011

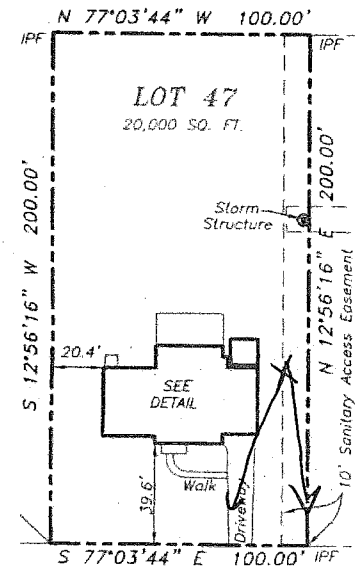


Fig. 10: Angle / Dir Right Side View
of Street (Silk Oak Dr)



Fig. 11 Left Side view of Street (Silk Oak Dr.)
Date: July 2011

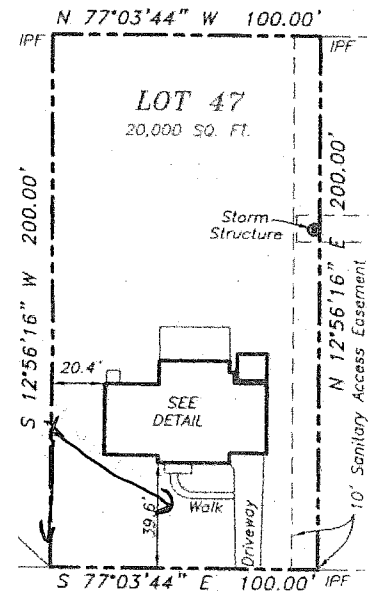
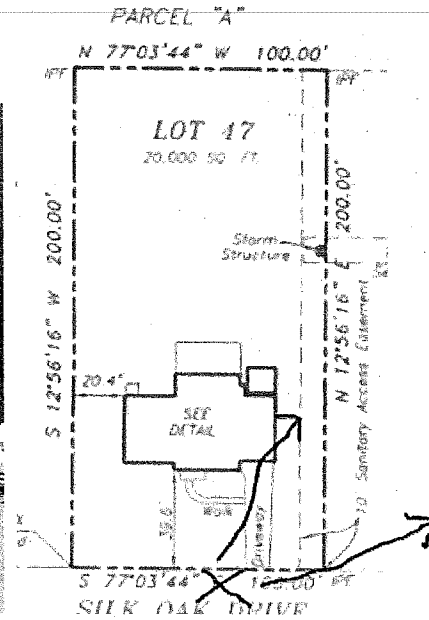


Fig. 12 Angle/ Dir. Left Side view of
Street (Silk Oak Dr.)



View of Adjacent Property taken from Silk Oak Dr.
Date taken 10/18/2011

Note: all other adjacent property views are tree lined

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit reduction of certain yard requirements for construction of an addition 10.8 ft. from the western side lot line, such that the total side yards equal 30.4 feet. The addition will be an enlargement of the garage.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Side	12.0 feet*	10.8 feet	1.2 feet	10%
Special Permit	Addition	Minimum Total Side Yards	40.0 feet*	30.4 feet	9.6 feet	24%

* Minimum yard requirements per Section 3-107

EXISTING SITE DESCRIPTION

The 20,000 square foot lot is currently zoned R-1 and developed under the cluster regulations with a two-story, single family detached dwelling, constructed in 1974. The minimum lot size in an R-1 (cluster) district is 25,000 square feet. There is an existing single car garage integral to the dwelling. The lot slopes gradually away from the street toward the rear of the lot. The property contains many mature deciduous and coniferous trees, shrubs and foundation plantings. The rear of the lot abuts a forested outparcel owned by the Northern Virginia Regional Park Authority which is part of the trail system.

Structure	
Floor Area	2,873 square feet*
Year Constructed	1974
Access	hard-surfaced driveway that extends from Silk Oak Drive
Site Features	Mature vegetation
Easements	Four foot high wood fencing enclosing the backyard.

*According to the stamped drawings provided by the surveyor.

CHARACTER OF THE AREA

	Zoning	Use
North	RE	Single-Family Detached Dwellings
East	R-1 Cluster	Single-Family Detached Dwellings
South	R-1	Northern Virginia Park Authority Trail
West	R-1 Cluster	Single-Family Detached Dwellings

BACKGROUND

The dwelling was constructed in 1974,

PLAT	
Special Permit Plat	Attached
Title of SP Plat:	Special Permit Plat, Lot 47, Section 3, Tamarack
Prepared By:	LS2PC, dated March 12, 2008 as revised through November 1, 2011 and signed by Lawrence H. Spilman III

Proposal:

The applicant requests to add a second garage to the existing structure. The proposed addition will be located 10.8 feet, measured from the edge of the eave, from the side lot line. The Zoning Ordinance requires a minimum side yard of 12 feet and total side yards of 40 feet under the cluster regulations of the R-1 Zoning District; therefore, a modification of 1.2 feet (10%) for the proposed addition is requested and 9.6 feet for the total side yards. Renderings provided by the applicant indicate the carport enclosure/home addition will be built similar to the existing structure.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The general character of the residential neighborhood is similar; two story homes, with wood and vinyl siding and brick of typical 1970's construction. The proposed addition will be built with siding to match the existing home and neighborhood.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the stamped drawings provided by the engineer, the existing dwelling has 2,873 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 4,309 square feet square feet in size for a possible total building size of 7,182 square feet above-grade living area. The proposed addition is approximately 220 square feet in area, thereby realizing a total house size of 3,093 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. Staff believes the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The proposed exterior building materials are consistent with the on-site

dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Minimal new impervious area will be added. With vehicles parked within an enclosed space, there should be less noise and intrusive lights affecting the adjacent property. Staff believes this standard is met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. It appears there will be no impact to existing vegetation and since there are no steep slopes, floodplains or RPA, no environmental features will be affected with the minor scale of the addition. Staff believes that the application meets this provision.

CONCLUSION

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2011-HM-099 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-HM-099

January 18, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2011-HM-099 located at 10403 Silk Oak Drive, Tax Map 27-2 ((04)) 047 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 220 square feet) of the addition, as shown on the plat prepared by LS2PC, dated March 12, 2011, as revised through November 1, 2011 signed by Lawrence H. Spilman III, Land Surveyor, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,872 square feet existing + 4,309 square feet (150%) = 7,182 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

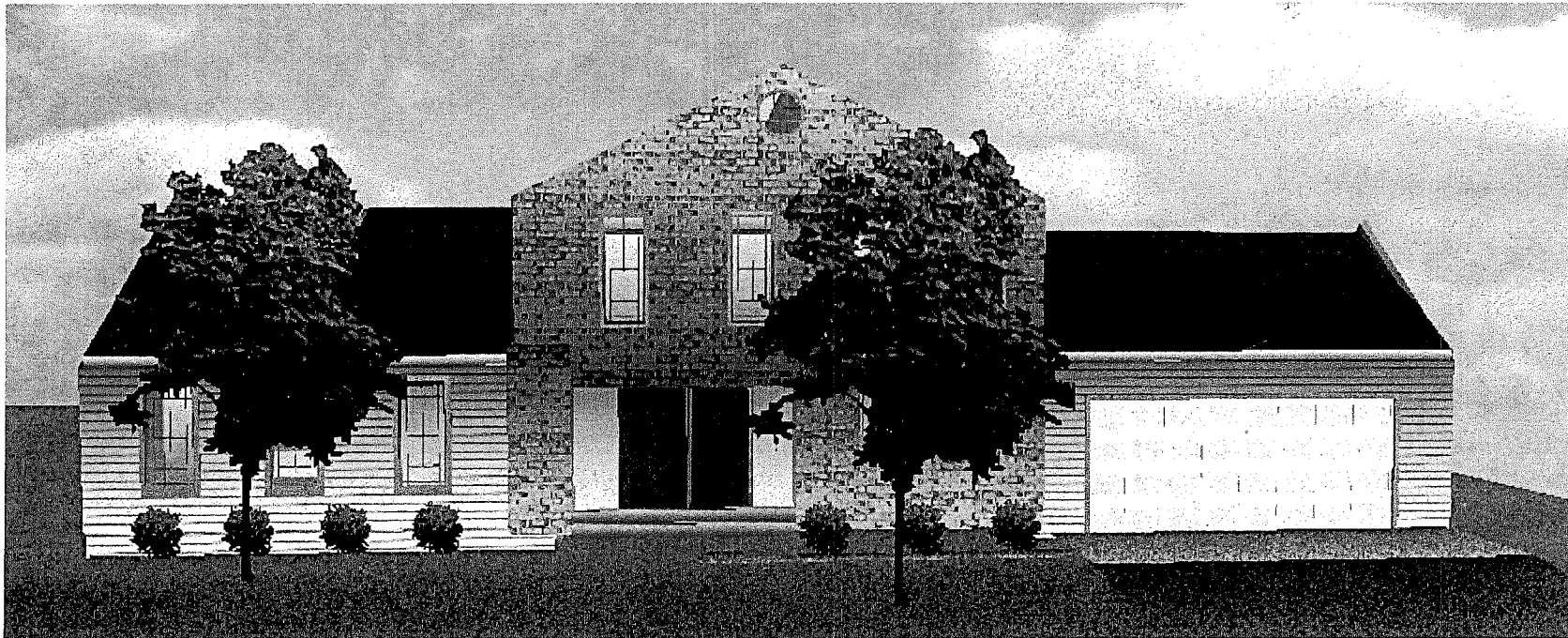
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals

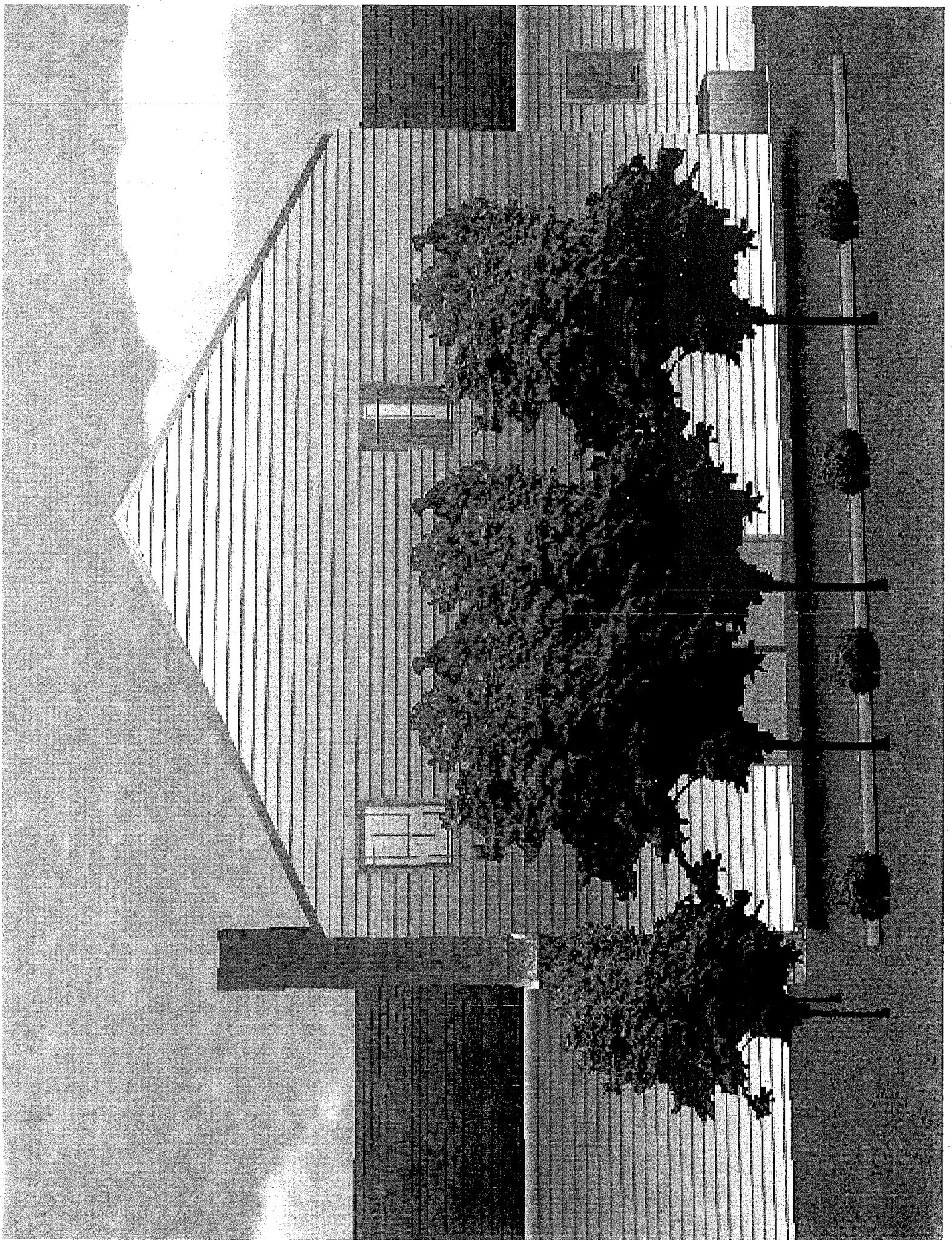
may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

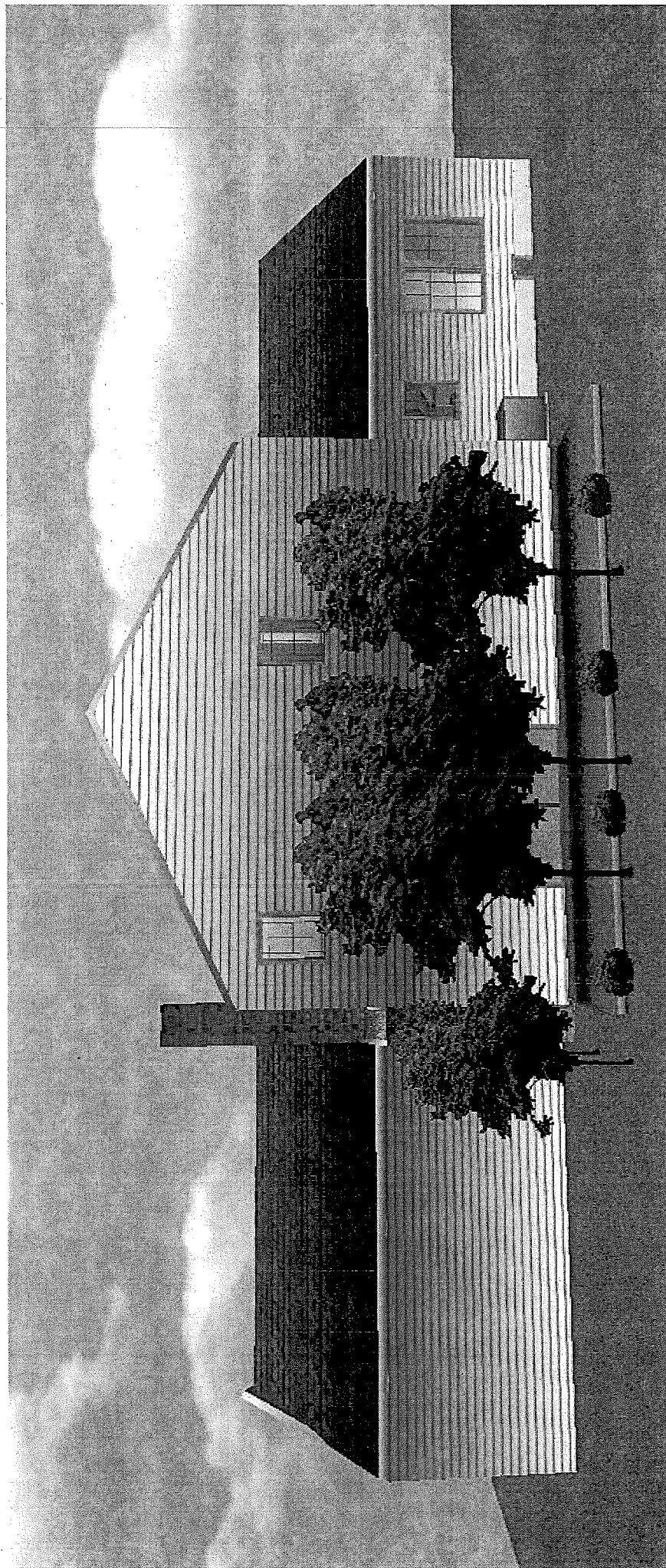
Rendered Image - Side View of Garage
10403 Silk Oak Dr



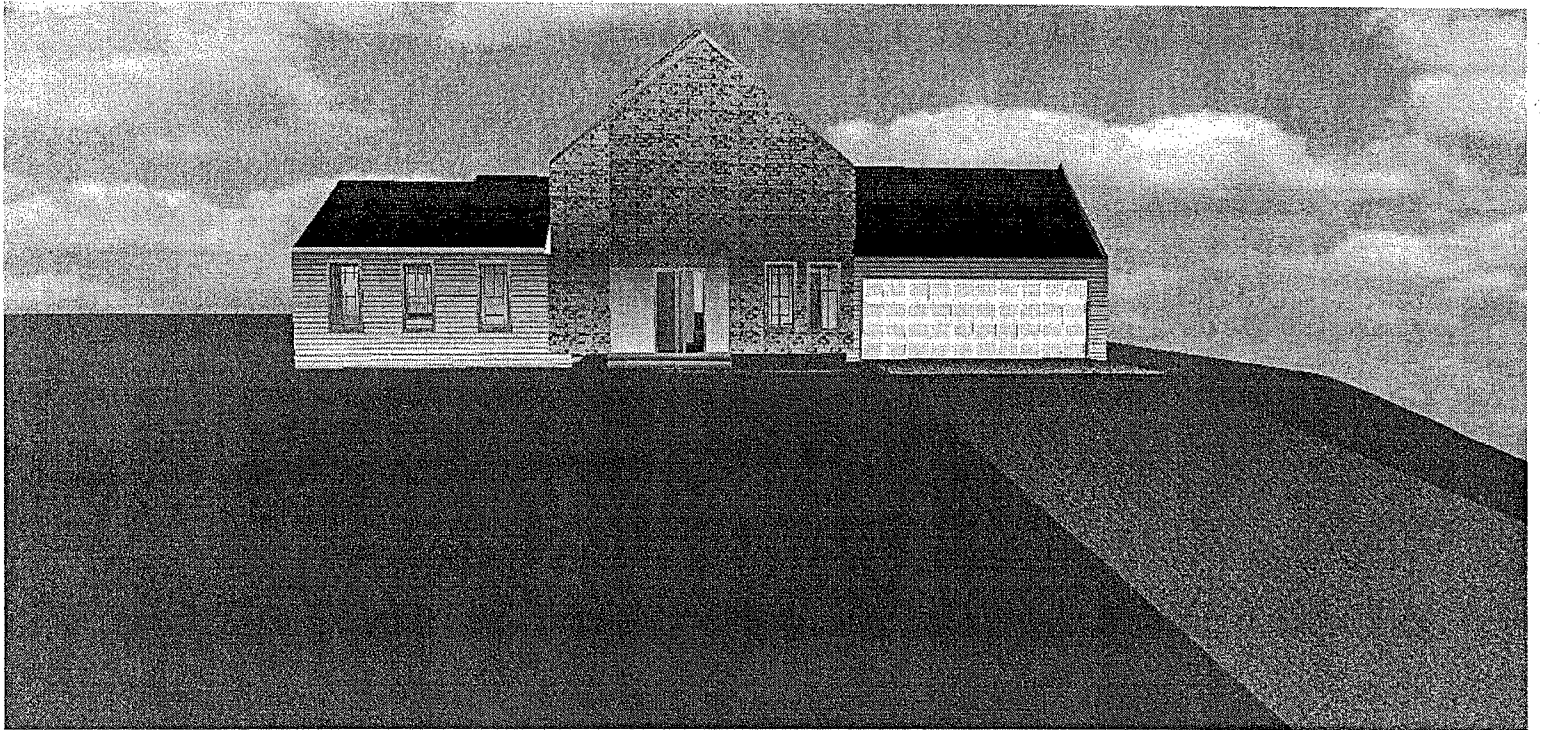
Rendered Image - Front View of House
10403 Silk Oak Dr







10403 Silk Oak Dr.
Proposed Garage Addition



RECEIVED
Department of Planning & Zoning

JUL 07 2011

Zoning Evaluation Division

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 25, 2011
 (enter date affidavit is notarized)

I, Steven A. Kostakis, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
 ☐ applicant's authorized agent listed in Par. 1(a) below

112612

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE**,** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Steven A. Kostakis	10403 Silk Oak Dr., Vienna, VA 22182	Applicant/Title Owner
Rachel D. Kostakis	(same)	Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 25, 2011
(enter date affidavit is notarized)

112612

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 25, 2011
(enter date affidavit is notarized)

112612

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 25, 2011
(enter date affidavit is notarized)

112612

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 25, 2011
(enter date affidavit is notarized)

112612

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

STEVEN A. KOSTAKIS

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25th day of October, 2011, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 07-31-2012

[Signature]
Notary Public

APPENDIX 3

Steven Kostakis
10403 Silk Oak Dr.
Vienna, VA 22812

703-242-0505

RECEIVED
Department of Planning & Zoning

OCT 25 2011

Zoning Evaluation Division

1 July 2011

Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application
Applicant: Steven Kostakis
Zoning Ordinance Section 8-922
Tax Map# 0272 04 0047
Zone: R-1C

To whom it may concern:

Please accept the following as a statement of justification for a special permit to reduce the side yard set-back requirement from 12 feet to 10 feet in order to accommodate an attached garage addition.

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

1. Approval of a reduction of yard requirements shall NOT result in a yard that is less than fifty (50) percent of the requirement and shall NOT result in a yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure. Approval of a reduction of yard requirements shall NOT result in an extension that exceeds that applicable distances set forth in Sec. 2-412 by more than fifty (50) percent.
2. The garage addition we would like to build is NOT detached and IS an addition to the existing garage. The final structure shall have a single garage door which is wide enough to accommodate two vehicles.
3. The lot contains a principle structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The gross floor area of the garage addition will 8% larger than the total gross floor area of the principle structure that exists at the time of this expansion request.
5. The addition will clearly be subordinate in purpose, scale, use and intent to the principle structure on the site.
6. The proposed structure is in character with the existing on-site development in terms of location, height, bulk and scale of existing structure(s) on the lot.
7. The proposed additions is in harmony with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography and existing vegetation.

7. The proposed additions is in harmony with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography and existing vegetation.
8. The proposed addition will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and storm water runoff. In addition, the owner of the adjacent property (Frank Vigezzi) has indicated that he has no objection to the addition or the reduced set-back requirement.
9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.
10. The garage addition will be constructed on a concrete slab foundation with a wood frame. The facade shall be composed of standard vinyl siding of off white / grey in color.
11. I certify to the best of my knowledge there are no toxic or hazardous waste products stored on the property.
12. The proposed additional shall conform to all applicable regulations, ordinances, and adopted standards except as noted in this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steven A. Kostakis', with a stylized, cursive script.

Steven A. Kostakis

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 1/2" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.